

Island of  Guernsey

Ordinance of the States **XII**
1983

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**The Gambling (Crown and Anchor)
(Guernsey) Ordinance, 1983**

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Ordinance of the States

ENTITLED

The Gambling (Crown and Anchor) (Guernsey) Ordinance, 1983

THE STATES, in exercise of the powers conferred upon them by section two of the Gambling (Guernsey) Law, 1971, as amended^(a), and in pursuance of their Resolution of the twenty-fifth day of February, nineteen hundred and eighty-two, hereby order:—

1. The playing of the game of Crown and Anchor (hereinafter referred as “the game”) shall not be unlawful gambling if, but only if, the game is played in accordance with the conditions set out in section two of this Ordinance, and if any of those conditions is contravened every person concerned in the promotion, organisation or conduct of the game and the promoter of the event at which the game is played shall be deemed to have contravened the provisions of this Ordinance unless he proves that such contravention occurred without his connivance and that he exercised all due diligence to prevent it.

Playing of
Crown and
Anchor.

2. The conditions to which reference is made in section one of this Ordinance are the following, that is to say:—

Conditions
applying to
the game.

(a) the game be played only at an event of the following nature, that is to say—

(i) agricultural or horticultural shows;

(a) Ordres en Conseil Vol. XXIII, p. 109; Vol. XXIV, p. 400.

- (ii) meetings for the purposes of horse-racing; and
 - (iii) regattas;
- (b) the game shall be played only under and in accordance with the conditions of a written permit issued by the Committee under the provisions of section four of this Ordinance;
- (c) the game shall be conducted only by a person who is the holder of an operator's licence which is for the time being in force;
- (d) no person under the age of eighteen years shall take any part in the playing of the game, whether as a player or as an assistant to the operator.

Application
for a table
permit.

3. (1) An application for a permit in respect of each table at which the game is to be played (hereinafter referred to as a "table permit") shall be made in writing to the Committee by or on behalf of the promoter of the event at which it is proposed that the game should be played and shall—

- (a) specify—
- (i) the event at which it is proposed that the game shall be played;
 - (ii) the date or the dates upon which the event is to take place;
 - (iii) the name of the licensed operator who is to operate the table;

- (b) contain such other information as the Committee may require;
- (c) be accompanied by a written statement signed by the occupier of the land on which the said event is to be held or by a person authorised by him in that behalf to the effect that the occupier has no objection to the playing of the game at that event;
- (d) be accompanied by the fee payable under the provisions of section fourteen of this Ordinance in respect of a table permit;
- (e) be signed by or on behalf of the promoter of the event;

and any such application shall be delivered to the Committee not less than one month before the date upon which it is desired that the game should be played.

(2) Notwithstanding the provisions of the last preceding subsection, where an application relates to the playing of the game at an event which is to be held within one month of the date of the coming into force of this Ordinance, the application may be delivered to the Committee less than one month before the date upon which it is desired that the game should be played.

4. (1) The Committee shall not grant an application for a table permit unless the Constables and the Douzaine of the Parish concerned have previously been given the opportunity to make representations to the Committee upon such application.

Grant or
refusal of a
table permit.

(2) The Committee shall not grant any application for a table permit unless the application complies with the requirements set out in section three of this Ordinance.

(3) A table permit shall have effect only in relation to one table at a single event, whether limited to a single day or extending over two or more days, and shall not have effect—

- (a) on any Sunday, Good Friday or Christmas Day;
- (b) between the hours of ten o'clock at night and nine o'clock in the morning;
- (c) on such other days or between such other hours as the Committee may, from time to time, by Order, prescribe;
- (d) so as to permit the game to be played on more than three days at any one event.

(4) Subject to the foregoing provisions of this section, the Committee may, in its absolute discretion—

- (a) refuse to grant a table permit; or
- (b) grant a table permit; and
- (c) impose upon a table permit so granted such conditions as the Committee may consider to be necessary or expedient.

(5) Without prejudice to the generality of the powers conferred upon the Committee by paragraph (c) of subsection (4) of this section, the Committee

may, in particular, impose upon a table permit a condition limiting the amount of the stake which may be placed by any player at the table to which the permit relates upon any one symbol in respect of each throw of the dice;

(6) A decision of the Committee made under the provisions of this section shall be final.

5. An application for the grant or renewal of a licence to operate the game (hereinafter referred to as an "operator's licence") shall be made in writing to the Committee and shall—

Application
for an
operator's
licence.

- (a) specify the name and address of the applicant;
- (b) be signed by the applicant;
- (c) contain such other particulars as the Committee may require;
- (d) be accompanied by the fee payable under the provisions of section fourteen of this Ordinance in respect of an operator's licence.

6. (1) Upon receipt of an application made under the provisions of section five of this Ordinance for the grant of an operator's licence, the Committee shall appoint a date (hereinafter referred to as "the date of hearing") time and place for the hearing of such application and shall serve notice in writing upon the applicant of such date, time and place as soon as may be reasonably practicable.

Formalities
prior to the
hearing of
application
for an
operator's
licence.

(2) The Committee shall not appoint as the date of hearing of an application any date falling within twenty-eight days of the date upon which the application is received by the Committee.

(3) A person who makes an application for an operator's licence shall at least twenty-one days before the date of hearing—

- (a) send to the Chief Officer a notice in writing of the fact which shall specify the date, time and place at which the application is to be heard; and
- (b) supply the Chief Officer with information about his previous employment and the names of at least two referees to whom reference may be made.

Report to the Committee on application for operator's licence.

7. At the time of the hearing of an application for the grant of an operator's licence, there shall be presented to the Committee, in such form, if any, as the Committee may from time to time determine, a report by or on behalf of the Chief Officer containing his views relating to the application and with such report there shall be presented any reference or certificate of character in the possession of the Chief Officer relating to the applicant.

Grant of operator's licence.

8. (1) Subject to the provisions of this Ordinance the Committee may, on application being made to it in accordance with the provisions of section five of this Ordinance and after taking into account the report upon the application presented to the Committee by the Chief Officer in accordance with section seven of this Ordinance, grant to the applicant therefor an operator's licence.

(2) At a hearing of the Committee to consider an application for the grant of an operator's licence the applicant shall be entitled to appear and be heard or to be represented by an advocate.

9. (1) The Committee shall refuse the grant of an operator's licence in any case where:—

Grounds for refusal to grant an operator's licence.

(a) the Committee is not satisfied that the applicant is a fit and proper person to hold such a licence;

(b) the applicant is under the age of twenty years;

(c) the applicant has within the twelve months immediately preceding the receipt of his application been refused the grant of a licence under the provisions of paragraph (a) of this subsection;

(d) by virtue of an order made under section fifteen of this Ordinance:—

(i) an operator's licence previously granted to the applicant is under suspension; or

(ii) the applicant is disqualified from holding an operator's licence;

(e) the application for the grant of the licence does not comply with the requirements set out in section five of this Ordinance.

(2) The Committee may refuse the grant of an operator's licence in any case where:—

- (a) the applicant has been convicted of an offence under the Law or any Ordinance made thereunder or of an offence involving fraud or dishonesty; or
- (b) in the opinion of the Committee the applicant had previously failed to observe the conditions of a table permit under which he had operated the game.

Renewal of
operator's
licence.

10. (1) An operator's licence granted under the provisions of subsection (1) of section eight of this Ordinance may be renewed by the Committee upon application being made to it by the holder in that behalf and upon payment of the fee specified in respect of such renewal by section fourteen of this Ordinance.

(2) The provisions of sections six, seven, eight and nine of this Ordinance shall apply to the renewal of an operator's licence as they apply to the grant of an operator's licence.

Notice of
appeal.

11. Where the Committee refuses an application for the grant or renewal of an operator's licence, notice in writing of such refusal setting out the reasons therefor and signed by the President of the Committee shall be served by the Committee upon the applicant as soon as may be after such refusal.

Appeals.

12. (1) A person aggrieved by a decision of the Committee to refuse to grant or to renew an operator's licence may within thirty days from the date of the service on him of a notice in pursuance of the provisions of section eleven of this Ordinance, appeal to the Royal Court Sitting as an Ordinary Court (hereinafter referred to as "the Ordinary Court") on the grounds that the decision of the

Committee was an unreasonable use of its powers, and the Ordinary Court may make such order as in all the circumstances appears to the Ordinary Court to be just.

(2) An appeal under the provisions of the last preceding subsection shall be instituted by way of summons served upon the President of the Committee to show cause why the decision appealed from should not be set aside or varied and such summons shall set out the material facts upon which the appellants relies.

(3) An order made by the Ordinary Court under the provisions of this section shall be final.

13. Unless suspended or revoked under any of the provisions of this Ordinance, an operator's licence granted under the provisions of section eight of the Ordinance shall be valid on such day as the Committee shall direct and until the thirty-first day of December next following and thereafter, upon being renewed in accordance with the provisions of section ten of this Ordinance, shall be valid during the period commencing on the first day of January in any year and ending on the thirty-first day of December in that year.

Period of validity of operator's licence.

14. (1) The fee payable in respect of the grant or renewal of an operator's licence shall be twenty-five pounds.

Fees.

(2) The fee payable in respect of a table permit shall be twenty-five pounds for each day to which the permit relates.

15. (1) Where the holder of an operator's licence is convicted of any offence under the Law or any Ordinance made thereunder, or of any offence involving fraud or dishonesty, the court by or before

Suspension and revocation of operator's licence.

which that person is convicted may, upon application being made in that behalf by a Law Officer, in addition to any penalty imposed for the offence, order that any such licence issued to the person convicted shall be suspended for such period as the court may order or shall be revoked.

(2) Any order made under the provisions of subsection (1) of this section shall not take effect—

- (a) until after the expiration of the period within which notice of appeal against the conviction or sentence may be given; or
- (b) if notice of appeal against conviction or sentence is duly given within that period, until the date of the determination or abandonment of that appeal.

(3) Where, in pursuance of subsection (1) of this section, a court has ordered the revocation of a licence, the order of the court shall have the effect of disqualifying the person in respect of whom the order was made from holding an operator's licence for a period of five years from the date of the conviction which gave rise to the order:

Provided that, in any case where it appears to the court making the order to be just in all the circumstances, the court may include in the order a direction that the period of disqualification shall be such period, shorter than five years, as the court may direct.

Powers of
police.

16. (1) A police officer may examine any equipment or device used in the playing of the game.

(2) A person who obstructs a police officer in the exercise of his power under the last preceding

subsection shall be deemed to have contravened the provisions of this Ordinance and shall on conviction be liable to a fine not exceeding fifty pounds.

17. A person who—

Fraudulent devices.

(a) while present at the playing of the game, has in his possession any fraudulent device connected with the playing of the game; or

(b) operates any fraudulent device in connection with the playing of the game,

shall be deemed to have contravened the provisions of this Ordinance.

18. Any notice served for the purposes of this Ordinance shall be validly served upon any person if delivered to him, left, or sent by registered letter or by recorded delivery service addressed to him, at his usual or last known place of abode.

Service of notices.

19. (1) In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

Interpretation.

“the Chief Officer” means the Chief Officer of the Island Police Force;

“the Committee” means the States Gambling Control Committee;

“Crown and Anchor” means the game commonly known as such or any variation thereof;

“the game” has the meaning assigned to it by section one of this Ordinance;

“the Law” means the Gambling (Guernsey) Law, 1971;

“police officer” means a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

“table” means a table at which the game is played;

“table permit” has the meaning assigned to it by subsection (1) of section three of this Ordinance;

(2) Any reference in this Ordinance to any other enactment shall be construed as a reference to that enactment as repealed and replaced, amended, extended or applied by or under any other enactment including this Ordinance.

Extent. 20. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

Citation. 21. This Ordinance may be cited as the Gambling (Crown and Anchor) (Guernsey) Ordinance, 1983.

K. H. TOUGH,
Her Majesty's Greffier.